EXHIBIT L

In the Matter Of:

USA v

GOOGLE

MICHAEL SHAUGHNESSY

August 09, 2023



1 M. SHAUGHNESSY THE VIDEOGRAPHER: We are now on the record. My name is Lem Lattimer. 1 INTITED STATES OF AMERICA, et al. 2 INTITED STATES OF AMERICA, et al. 3 THE VIDEOGRAPHER: We are now on the record. My name is Lem Lattimer. 1 In a legal videographer retained by Lexitas. Today's date is Wednesday, August 9, 2023, and the video time is 10:00 a.m. 2 The deponent is Michael Shaughnessy in the matter of the United States of America versus Google LLC. 3 DEPOSITION OF MICHAEL SHAUGHNESSY 1 New York, New York 1 Mechaelady, August 9, 2023, and the video time is 10:00 a.m. 2 The deponent is Michael Shaughnessy in the matter of the United States of America versus Google LLC. All appearances are noted on the record. 3 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Wednesday, August 9, 2023 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Witness. 4 Will the court reporter, Rebecca Schaumloffel, please swear in the Williess of Market Schaumloffel, please swear in			84783		
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11 12 DEPOSITION OF MICHAEL SHAUGHRIBSY 12 New York, New York 13 New York, New York 14 Medinenday, August 9, 2023 15 16 17 18 Reported by: 18 Reported by: 19 MICHAEL SHAUGHNESSY, called as a witness 19 having been first duly sworn by a Notary 20 voa s: 2022-990148 21 Public of the States of New York, New Jersey, 22 and Pennsylvania was examined and testified 23 as follows: 24 EXAMINATION BY 25 MR. WOLIN: Page 2 2 A P P E A R A N C E S: 2 A P P E A R A N C E S: 3 PAGEARTHMENT OF JUSTICE 4 ACCOMPANY OF JUSTICE 5 PAGEARTHMENT OF JUSTICE 6 ACCOMPANY OF JUSTICE 7 ACCOMPANY OF JUSTICE 8 AXINN, VELTROP & HARMELIBER, LLF 9 ACCOMPANY REQ. 10 PALITUME BARKY, RSQ. 11 FAILLY WILSON, ED. 12 PAUL, WILSON, DC 20035 13 FAILLY WILSON, DC 20036 14 COURTS EXTREMEN, MIRROTON & GARRISON ACTIONING For the Defendant 15 Rey Tork, New York 10019 16 CAPTER GREIMEANN, RSQ. 17 BAILLY WILSON, RSQ. 18 PAUL, WILSON, RSQ. 19 LONG FOR KARYO 19 LONG	10			13	Will the court reporter, Rebecca
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18		Wednesday, August 9, 2023			
MICHAEL SHAUGHNESSY, called as a witness having been first duly sworn by a Notary 20 July #: 2023-966148 21 Public of the States of New York, New Jersey, and Pennsylvania was examined and testified as a follows: 22 EXAMINATION BY 23 July PEPARMENT OF JUSTICE 24 A P P E A R A N C E S: 25 A P P E A R A N C E S: 26 A P P E A R A N C E S: 27 A P P E A R A N C E S: 28 A P P E A R A N C E S: 39 A P P E A R A N C E S: 30 A P P E A R A N C E S: 30 A P P E A R A N C E S: 31 A P P E A R A N C E S: 31 A P P E A R A N C E S: 32 A P P E A R A N C E S: 33 A P P E A R A N C E S: 34 A P P E A R A N C E S: 35 A P P E A R A N C E S: 36 A P P E A R A N C E S: 37 A P P E A R A N C E S: 38 A TUNN; VELTROP & MARKETIDER, LIP 49 ACTORN, NEW York, New York 26030 60 EY: MICHAEL WILLIAMS 60 EY: MICHAEL WILLIAMS 60 EY: CREITS RECKNON EQU. 61 EY: GRID SERICKSON EQU. 61 EY: ENTIN MOKANI, EQU. 61 EY: INN B, SCHER, ENG. 61 In Joined here by my colleague, Kaitlyn 61 Im Joined here by my colleague, Kaitlyn 75 Earry, also an attorney for the United States 61 A No. 62 CARTER GREDMANN, EQU. 63 CARTER GREDMANN, EQU. 64 A No. 65 CARTER GREDMANN, EQU. 65 EXIN MOKANI, EQU. 66 EY: ENTIN MOKANI, EQU. 67 A Y PCS. 68 A NO. 69 In going to start, then, with some procedures, just some ground rules so that the deposition goes smoothly. 69 EY: ENTIN MOKANI, EQU. 60 MOKANI, EQU. 61 EXPARMENTION & CAMPISON 61 Im Joined here by my colleague, Kaitlyn 75 Earry, also an attorney for the United States 61 A No. 62 Could you please state your name 63 Could you please state your name 64 the United States of America. 65 A No. 66 L'm L'm from the 67 Could you please state your name 67 A No. 68 Could you please state your name 69 Could you please state your name 60 A No. 60 I'm joined here by my colleague, Kaitlyn 76 Earry, also an attorney for the United States 77 A No. 78 Could you please state your name 78 Could yo					
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20 Rebeca Schaumloffel, RER, CLR 21 JOST #1 2023-906148 22 John #1 2023-906148 23 JOST #1 2023-906148 24 Public of the States of New York, New Jersey, and Pennsylvania was examined and testified as follows: 24 EXAMINATION BY 25 MR. WOLIN: Page 2 Page 2 Page 4 A P P E A R A N C E S: 3 Page 4 A P P E A R A N C E S: 4 PARTHENT OF JUSTICE ALTOTROYS for the Plaintiff 5 SD Pennsylvania avenue New York, New York 20330 6 BY MICHAEL WOLLIN, ESO. 6 RAITLYN BAREY, ESO. 7 BATTLYN BAREY, ESO. 7 BATTLYN BAREY, ESO. 8 AXINN, VELTROP & HARKESIDER, LIP ALTOTROYS for Google 1991 L Street NN Washington, DC 20036 BY CIRCLE PRICKADE, MED. 11 A. Yes. Michael Shaughnessy. 12 Q. I would like to let me ask you 13 first, sir, have you been deposed before? ALTOTROYS for Chep Defendant Google 125 6th Avenue 15 Q. So I'm going to start, then, with some procedures, just some ground rules so that the deposition goes smoothly. 15 Is that okay? 16 Some procedures, just some ground rules so that the deposition goes smoothly. 17 In the record, please. 18 January of the Defendant ALSO PRESENT: 20 A P P E A R A N C E S: 21 A P P E A R A N C E S: 22 A P P E A R A N C E S: 23 A P P E A R A N C E S: 24 BAUGHARY STORE 25 A P P E A R A N C E S: 26 A MINN, Wallining Avenue 27 A P P E A R A N C E S: 28 A SHAUGHARI WAS A STORE 29 Could you please state your name 29 For the record, please. 29 Could you please state your name 29 In the record, please. 20 A. Yes. 21 A P P E A R A N C E S: 22 A P P E A R A N C E S: 23 A P P E A R A N C E S: 24 A P P E A R A N C E S: 25 A P P E A R A N C E S: 26 A STANIN, VELTROP & HARKESIDER, LIP 27 A P P E A R A N C E S: 28 A STANIN, VELTROP & HARKESIDER, LIP 39 A Yes. 30 A Yes. 30 A Yes. 31 A P P E A R A N C E S: 30 A P P E A R A N C E S: 31 A P P E A R A N C E S: 31 A P P E A R A N C E S: 32 A P P E A R A N C E S: 33 A P P E A R A N C E S: 34 A P P E A R A N C E S: 35 A P P E A R A N C E S: 36 A MINN, VELTROP & HARKESIDER, LIP 30 A Yes S. 31 A P P E A R A N C E S: 31 A P P E A R A N C E S: 32 A P P E A R A N C E S:		Penarted by:		19	MICHAEL SHAUGHNESSY, called as a witness,
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	Page 5		Page 7
1	<u> </u>	1	•
1	M. SHAUGHNESSY	1	M. SHAUGHNESSY
2	Q. And I will wait to finish or I	2	Q. Where were you employed prior to
3	will wait till you finish your answer before	3	Kargo?
4	I start another question. All right?	4	A. I was employed by a few companies,
5	A. Yes.	5	including Evite, IAC, which was About.com,
6	Q. If any of my questions are	6	and Bauer Media.
7	unclear, please let me know, and I'll clarify	7	Q. I want to ask you about your role
8	the question. Okay?	8	at each of those companies.
9	A. Yes.	9	What was your role at Evite?
10	Q. We'll take periodic breaks today.	10	 A. At Evite I was the finance
11	If you ever need a break, please let me know,	11	manager.
12	and we will accommodate that at the next	12	Q. What years were you employed by
13	convenient moment. All right?	13	Evite?
14	A. Yes.	14	A. 2013 through 2014.
15	Q. So you understand all of those	15	Q. What about your role at About.com
16	ground rules?	16	or IAC?
17	A. I do.	17	A. At About.com I was primarily
18	Q. Two other preliminary questions I	18	focused on being the programatic yield
19	want to ask you this morning.	19	manager.
20	Do you understand that you are	20	Q. What years were you the
21	under oath today and sworn to tell the truth	21	programatic yield manager at IAC or
22	just as if you were testifying in court	22	About.com?
23		23	A. Around 2014 to 2016.
1	before a judge? A. Yes.		
24		24	•
25	Q. And do you understand that the	25	A. I was the Vice President of
	Page 6		Page 8
1	M. SHAUGHNESSY	1	M. SHAUGHNESSY
2	information you provide during this	2	revenue.
3	deposition may be used by the Department of		Q. Of those three companies, which
4	Justice in other civil, criminal,	4	would you consider to be website publishers?
1 -	administrative, or regulatory cases or	5	A. All three.
6		6	Q. Let's turn back to your current
7	proceedings? A. Yes.		-
	A. Yes. Q. Mr. Shaughnessy, where were you	7	employment. All right? A. Yes.
8	born and raised?	8	Q. At a high level, what is Kargo's
10	A. I was born and raised in Port	10	business?
11	Jefferson, New York. I lived in Miller	11	
12	Place.	12	A. Kargo is a business that transforms standard creative and creates
1			
13	Q. What's your educational	13	bespoke experiences for the largest
14	background?	14	advertisers as well as the best publishers.
15	A. My educational background is I	15	Q. And what's your role at Kargo?
16	have a Bachelor's of Science in accounting	16	A. I am currently the Chief Operating
17	and I graduated from Northeastern University.	17	Officer.
18	Q. What year did you graduate from	18	Q. What are your responsibilities as
19	Northeastern University?	19	Chief Operating Officer?
20	A. 2010.	20	A. My responsibilities include taking
21	Q. Where are you currently employed?	21	the vision of our CEO/founder and
22	A. Kargo.	22	operationalizing that across all of the
23	Q. When did your employment at Kargo	23	different teams within the organization and
	begin?	24	facilitating, as well as the execution.
24	<u> </u>		
24 25	A. In 2018.	25	Q. In your role at Kargo, how often

Page 9 Page 11 1 M. SHAUGHNESSY 1 M. SHAUGHNESSY do you interact with publishers? 2 Q. In your role at Kargo, how often 3 A. Frequently. do you interact with employees of Google? Q. Could you give me some examples of Somewhat frequently, but there are 4 4 some of the publishers that you interact individuals on my team that are tasked with 5 managing those relationships on a more 6 with? 7 day-to-day level. A. Yes. We work with the largest 7 publishers which have taken their magazine 8 Q. I want to focus, then, on the --9 businesses and made them digital businesses, we will start with the term "SSP," or "supply 10 so think of the Meredith and the Hearst. side platform." 10 11 We also work with digital first 11 Are you familiar with that term? A. Yes. 12 publishers, including Bustle and BuzzFeed, 12 13 and then we work with broadcasters like CBS. 13 Q. And what are the functions of an 14 NBC, and Discovery. 14 SSP? 15 Q. Your role at Kargo, how often do 15 A. The SSP is an opportunity for the 16 you interact with advertising agencies? sell side to make their inventory available A. Pretty frequently. 17 17 for sale. Q. What are some of the advertising Q. Is part of Kargo's business offer 18 18 19 agencies that you interact with in your role a supply side platform? 19 20 at Kargo? 20 A. Yes. 21 Q. And in the context of Kargo's 21 A. We work with all of the largest 22 holding companies and their -- I'm usually business, is there any difference between the 22 23 brought in to different clients on an ad hoc term "SSP" or "supply side platform" and the term "exchange"? 24 basis. I wouldn't say it's a primary role 24 25 for my function. 25 Α. No. Page 10 Page 12 M. SHAUGHNESSY 1 M. SHAUGHNESSY 1 2 2 Q. How often are you typically Q. Which term are you most -- do you interacting with advertising agencies? use most in your business? 3 3 A. It depends on the business needs. Neither. 4 4 5 Not as frequently as the publishing clients 5 So you use them equally? Yes. And other words to describe 6 because we have other individuals in the 6 Α. 7 executive team that are primarily focused on 7 the business. Q. Are you familiar with the term 8 sales. 8 "Open Auction"? 9 Q. Could you estimate how many times 9 10 a year you are having direct interactions 10 A. Yes. 11 with advertisers? 11 Q. What does "Open Auction" refer to 12 in the context of an SSP? 12 A. I would approximate dozens, but I don't know an exact number. Open Auction, in my understanding 13 13 Q. How often do you interact with or the way I would describe it is, when 14 15 companies that are running their own advertisers do not have direct deals with advertising campaigns in-house? publishers and SSPs are surfacing the 16 16 A. Can you explain the question or inventory for these types of buys. 17 17 ask it a different way? Q. Does Kargo's SSP business include 18 18 19 Q. How often do you interact with 19 **Open Auction?** companies that, instead of using an 20 A. It does. 20 advertising agency, are doing their own 21 Q. What percentage of Kargo's SSP 21

A. Understood.

25 common for a business model.

22

23

24

advertising campaigns themselves?

A decent amount but it's not as

22 23

24

25

transactions?

business is Open Auction display advertising

A. Approximately 20 percent.Q. What is the other 80 percent?

	Page 13		Page 15
4	M. SHAUGHNESSY	1	M. SHAUGHNESSY
1		l .	
2	A. Private marketplace deals and/or	2 3	A. Google. Q. And what's your basis for saying
3	direct sell campaigns. Q. So I want to focus on the	4	Q. And what's your basis for saying that?
4	•		
5	20 percent of Kargo's SSP business that's	5	A. Prior to my role at Kargo, I was a
6	Open Auction display advertising	6 7	publishing executive that worked with many SSPs.
7	transactions.		
8	Is that okay?	8	Q. How would you characterize the
9	A. Yes.	9	position of Google's SSP as compared to other SSPs in the market?
10	Q. Today, what is Kargo's approximate	10	
11	yearly gross revenue transactions for Open	11 12	MS. MORGAN: Objection.
12	Auction display advertising transactions?		A. Can you repeat?
13	MS. MORGAN: Objection.	13	Q. How would you characterize the
14	Q. You may answer.	14	position of Google's SSP as compared to other
15	A. It is can you repeat the	15	SSPs in the market?
16	question.	16	MS. MORGAN: Objection.
17	Q. Of course.	17	A. Google works with the publishers
18	Today, what is Kargo's approximate	18	in a unique way compared to other SSPs.
19	yearly gross revenue transacted for Open	19	Q. What do you mean by saying that
20	Auction display advertising transactions?	20	"Google works with publishers in a unique way
21	MS. MORGAN: Objection.	21	compared to other SSPs"?
22	A. Approximately 30 to 50 million.	22	A. Publishers use both its ad serving
23	MS. SCHER: And just before we	23	technologies as well as its sell side
24	continue, when we are dealing with	24	functionality within the ad server.
25	specific revenue information and	25	Q. What's your basis for saying that?
	Page 14		Page 16
1	_	1	Page 16 M. SHAUGHNESSY
	M. SHAUGHNESSY	-	M. SHAUGHNESSY
2	M. SHAUGHNESSY sensitive information, you know, we	1 2 3	M. SHAUGHNESSY A. My previous experience as a
	M. SHAUGHNESSY	2	M. SHAUGHNESSY A. My previous experience as a publishing executive.
2	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they	2	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that
2 3 4 5	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive	2 3 4 5	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as
2 3 4	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they	2 3 4 5	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that
2 3 4 5 6	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you	2 3 4 5 6	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike
2 3 4 5 6 7	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you know, how you want to I don't want	2 3 4 5 6 7	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike that. I'll rephrase the question.
2 3 4 5 6 7 8	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you know, how you want to I don't want to keep interrupting, but should we be	2 3 4 5 6 7 8	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike that. I'll rephrase the question. What impact does that have that
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2 3 4 5 6 7 8 9 10	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you know, how you want to I don't want to keep interrupting, but should we be designating as the questions come up? MR. WOLIN: No, I don't think that's necessary. On a Protective	2 3 4 5 6 7 8 9 10	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike that. I'll rephrase the question. What impact does that have that publishers use Google for both publisher ad server and SSP? A. Can you repeat the question?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you know, how you want to I don't want to keep interrupting, but should we be designating as the questions come up? MR. WOLIN: No, I don't think that's necessary. On a Protective Order, you have the ability to designate it after the fact. MS. SCHER: Okay. BY MR. WOLIN: Q. I want to ask you next, then, today, what is Kargo's approximate yearly net revenue earned from those Open Auction display advertising transactions? A. Approximately 4 to 10 million. And I don't have the exact number off the top of my head.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike that. I'll rephrase the question. What impact does that have that publishers use Google for both publisher ad server and SSP? A. Can you repeat the question? Q. What impact does that have that publishers use Google for both publisher ad server and for their SSP? MS. MORGAN: Objection. A. The impact is, many of the functionality is tied between the two products and there are opportunities for the Google SSP to compete more easily with direct sold campaigns as well as the access to the publisher inventory based on the Google Publisher Tag, which is the basis for a lot
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. SHAUGHNESSY sensitive information, you know, we would like to mark certain parts of the transcript as confidential if they are sensitive and competitive information. And I don't know, you know, how you want to I don't want to keep interrupting, but should we be designating as the questions come up? MR. WOLIN: No, I don't think that's necessary. On a Protective Order, you have the ability to designate it after the fact. MS. SCHER: Okay. BY MR. WOLIN: Q. I want to ask you next, then, today, what is Kargo's approximate yearly net revenue earned from those Open Auction display advertising transactions? A. Approximately 4 to 10 million. And I don't have the exact number off the top of my head. Q. So what company offers the largest	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. SHAUGHNESSY A. My previous experience as a publishing executive. Q. What impact does that have that publishers use both ad server technologies as well as SSP functionality? Sorry, strike that. I'll rephrase the question. What impact does that have that publishers use Google for both publisher ad server and SSP? A. Can you repeat the question? Q. What impact does that have that publishers use Google for both publisher ad server and for their SSP? MS. MORGAN: Objection. A. The impact is, many of the functionality is tied between the two products and there are opportunities for the Google SSP to compete more easily with direct sold campaigns as well as the access to the publisher inventory based on the Google Publisher Tag, which is the basis for a lot of the ad serving mechanisms of Google's DFP

Page 33 Page 35 1 1 M. SHAUGHNESSY M. SHAUGHNESSY 2 MS. MORGAN: Objection. 2 There's no comparison. 3 A. Can you repeat the question. 3 What do you mean by "there's no 4 Q. Are there any publisher inventory comparison"? 4 sources that Google's AdX has access to that 5 5 Based on what I know in the Kargo's SSP does not but wishes to? 6 industry and my extensive experience working MS. MORGAN: Objection. with agencies, publishers, vendors prior to 7 7 A. Besides the O&O, I would not know Kargo and during my experience at Kargo, it 8 9 -- I don't know. is very common for publishers to use Google 10 Q. Does Kargo's SSP have access to 10 Ad Manager for their display business. 11 the same advertiser demand sources as Q. But am I right in understanding 11 12 Google's AdX? 12 that your testimony is that Google is the only publisher ad server on the market? 13 MS. MORGAN: Objection. 13 MS. MORGAN: Objection. 14 A. I don't know. 14 15 Q. Are you aware of any advertiser 15 A. Google is the dominant player. 16 demand sources that AdX -- Google's AdX has Q. So it's your view that Google is 16 access to that Kargo's SSP does not? the dominant publisher ad server on the 17 17 market today? 18 A. No. 18 19 Q. Does Kargo's SSP business include 19 A. Yes. 20 working with publisher ad servers? 20 MS. MORGAN: Objection. A. Yes. Q. Why do you view Google's publisher 21 21 Q. What company offers the largest ad server as the dominant publisher ad 22 22 23 publisher ad server for web display 23 server? advertising? 24 A. Because of the opportunities 24 25 Google Ad Manager. 25 between AdX and Google Ad Manager is the Page 36 Page 34 M. SHAUGHNESSY 1 M. SHAUGHNESSY 1 2 Q. What's your basis for saying that? primary reason from when I was a publisher. Q. And what's your basis for saying 3 A. Most publishers we work with use 3 Google Ad Manager. that Google's publisher ad server is the 4 4 dominant publisher ad server today? 5 Q. What other companies besides 5 Google offer publisher ad servers for web MS. MORGAN: Objection. 6 display advertising? 7 A. Based on companies like Kargo and 7 others building infrastructure around Google MS. MORGAN: Objection. 8 A. In my extensive publishing Ad Manager to build their businesses and 9 9 10 experience and working with many publishers 10 drive outcomes. and working at publishers, I cannot think of 11 Q. And what, if any, effect has 12 one that is currently in use. But there used 12 Google's position as the dominant publisher 13 to be a couple other options that did, which ad server had on Kargo? 13 14 include, if I'm not mistaken, AppNexus 14 A. It has influenced product and 15 provided this service, I believe AOL provided engineering investments, learning and 15 16 this service, and OpenX may have provided development opportunities for existing 16 17 this service as well at one point. employees so that they can manage 17 18 Q. Does Kargo offer a publisher ad relationships with our publishers, and it 18 19 server that competes against Google Ad 19 also influences the way that we deliver our 20 Manager? 20 campaigns. 21 A. No. 21 Q. What do you mean when you say that 22 Q. How would you characterize the its impacted product development? 22 23 position of Google's publisher ad server as 23 MS. MORGAN: Objection. compared to any other publisher ad servers? 24 24 A. In order for Kargo to compete or

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MS. MORGAN: Objection.

deliver high impact creatives, we need to

Page 49 Page 51 1 1 M. SHAUGHNESSY M. SHAUGHNESSY 2 Q. What do you mean by saying the 2 Q. And what's your basis for that "publishers use DFP partially because of the 3 answer? demand that AdX drives" into "the ad server"? 4 My basis is, primarily me, as a 5 publishing executive, but also the many A. There are functionality that helps them operate their ad serving, but a big part conversations I have with publishers in my 6 7 of why you would not switch if someone had current role and the way that we integrate 7 similar functionality is because of the way 8 with them. 8 9 that the products are tied. 9 Q. And how does that tie, as you 10 Q. And what do you mean when you say describe it, between AdX and Google's 10 11 "the way...the products are tied"? publisher ad server impact AdX's position in 11 A. Based on my previous experience, 12 the market? 12 13 and I haven't been using Google Ad Manager as 13 MS. MORGAN: Objection. 14 extensively as I have in the past, to surface 14 A. Based on what I know, there are 15 advertising opportunities to AdX, the primary 15 opportunities for demand to be concentrated 16 vehicle to do that was using Google Ad from DV360 to AdX, which is then also 17 Manager to capitalize on that demand as a 17 connected to Google Ad Manager. 18 publisher. Q. Does the link between AdX and 18 Q. What's your basis for saying that Google's publisher ad server make it harder 19 19 for other SSPs to compete against Google? 20 using Google Ad Manager is the primary 20 vehicle for surfacing advertising A. Yes. 21 22 opportunities to AdX? 22 MS. MORGAN: Objection. 23 MS. MORGAN: Objection. Q. How does the link between AdX and 23 24 A. My experience building out ad Google's publisher ad server make it harder 24 25 infrastructure for publishers as well as for SSPs to compete against AdX? Page 50 Page 52 M. SHAUGHNESSY 1 M. SHAUGHNESSY 2 maximizing yield. A. Well, for many years, Google was 3 Q. How does the tie that you've able to use products called dynamic described between AdX and Google's publisher 4 allocation, and enhanced dynamic allocation, ad server impact its publisher ad server's and prior to header bidding, there wasn't a 5 position in the market? dynamic opportunity for different vendors to 6 7 MS. MORGAN: Objection. 7 compete within the ad stack. A. Can you repeat the question? Q. What's your basis for giving that 8 8 9 Q. How does the tie that you've 9 answer? 10 described between AdX and Google's publisher 10 My experience managing programatic 11 ad server impact Google's publisher ad yield as well as setting up the header server's position in the market? infrastructure for many publishers, based on 12 13 MS. MORGAN: Objection. publishers I've also consulted for. In 14 This is not based on his 14 addition, my experience building out the programatic infrastructure at Kargo. 15 personal knowledge. He already said 15 it's based on his past experience. Q. Are there any other ways in which 16 16 17 MR. WOLIN: Counsel, you've made the link between AdX and Google's publisher 17 your objection. ad server makes it harder for other SSPs to 18 18 19 BY MR. WOLIN: 19 compete against AdX? 20 A. Publishers use Google Ad Manager MS. MORGAN: Objection. 20 21 and would not switch, as far as I know, 21 A. Yes. 22 unless there was an opportunity to access 22 Q. What are those other ways? 23 this type of demand, as well as ensuring they 23 A. Well, over the years, there have 24 have all the functionality that goes into 24 been things like First Look, which gives AdX 25 serving a campaign that is provided by GAM. the opportunity to compete with sponsorship 25

Page 69 Page 71 1 1 M. SHAUGHNESSY M. SHAUGHNESSY 2 display advertising versus social media 2 competition? A. From my understanding, the systems 3 advertising? 3 4 MS. MORGAN: Objection. 4 operate best together. 5 Q. And what's your basis for saying 5 A. I wouldn't want to speculate on their marketing objectives. I can only speak that it "inhibits meaningful competition"? 6 6 to my experiences in helping provide 7 MS. MORGAN: Objection. solutions in both environments. A. If you cannot set up this demand 8 8 9 Q. From an advertiser perspective, in a different way, in a different ad server, 9 10 how is the purchase of Open Auction display or if the functionality is not optimized, 11 advertising interchangeable with the purchase publishers need to be able to maximize their 11 12 of owned and operated display inventory 12 revenues. 13 directly from a publisher? 13 Q. I want to ask you a slightly 14 MS. MORGAN: Objection. 14 different question. 15 A. Can you repeat the question. 15 How, if at all, does the link Q. From an advertiser perspective, between GDN, AdX, and DFP affect competition 16 16 17 how is the purchase of Open Auction display 17 between SSPs? advertising interchangeable with the purchase MS. MORGAN: Objection. 18 of owned and operated display inventory A. SSPs are unable to compete the 19 19 20 directly from the publisher? 20 same way as Google. 21 MS. MORGAN: Objection. 21 Q. How are SSPs unable to compete the A. They can differ. 22 same way as Google? 22 23 Q. How do they differ? 23 A. They are unable to compete based 24 MS. MORGAN: Objection. 24 on the access to inventory and the way that 25 A. They are the same in the sense 25 the ad server is set up. Page 72 Page 70 1 M. SHAUGHNESSY 1 M. SHAUGHNESSY 2 2 that they operate through the same ad server Q. What do you mean when you say and, in most instances, is the same Google 3 "they are unable to compete based on the Publisher Tag that is serving the campaign. access to inventory"? 4 5 They differ in that it is booked 5 A. In a publisher's ad server -- and when I discuss ad server, I'm primarily 6 inventory that is reserved within the ad 7 server, and then there could be other talking about Google Ad Manager -- there is a 8 targeting mechanisms that are done on the hierarchy of the different types of line item 9 sell side or by the publisher that create an 9 types as well as the configurable priorities, 10 experience that could be more tailored to the 10 which are numbers. 11 audience or the outcomes of the campaign so 11 In my past experience and how I 12 that it performs better. understand the ad servers, they are 1 through 12 13 Q. I want to ask you next about the 16. 1 through 4 are sponsorship line items, 14 link between GDN, AdX, and DFP and the effect which are usually reserved for the most 15 that that's had on the ad tech industry. targeted or high impact campaigns. There are Do you have that in mind? 16 standard line items, which are booked between 17 MS. MORGAN: Objection. 17 5 and 8. And then, traditionally, price A. Yes. priority line items are, you know, 9 through 18 18 19 Q. So how, if at all, does the link 19 15, and 16 is house. 20 between GDN, AdX, and DFP affect competition 20 This has evolved with time, but, between publisher ad servers? 21 traditionally, other SSPs are nested at price MS. MORGAN: Objection. 22 priority 12 and they are not configured in a 23 A. It inhibits meaningful way that they can look up and compete based 24 competition. 24 on some sort of pacing logic for any of those 25 Q. How does it inhibit meaningful sponsorship type of opportunities if they

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2	EX	HIBITS			2	CERTIFICATE
3					3	STATE OF NEW YORK)
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6 7	NUMBER	DESCRIPTION			6	,
8	Erbibit 1001	KARGO_000199	98		7	I, REBECCA SCHAUMLOFFEL, a Notary
9	Exhibit 1001		98		8	Public for and within the State of New York,
10		KARGO_000073 through	129		9	do hereby certify:
11	EXHIBIC 1003	'114	123		10	That the witness whose examination
12	Exhibit 1004	Document titled	134		11	is hereinbefore set forth was duly sworn and
13		"Avoiding A Bad Google			12	that such examination is a true record of the
14		Breakup" dated June 1,			13	testimony given by that witness.
15		2021			14	I further certify that I am not
16	Exhibit 1005	Document titled	145		15	related to any of the parties to this action
17		"France Paves The Way			16	by blood or by marriage and that I am in no
18		For More Action			17	way interested in the outcome of this matter.
19		Against Google's			18 19	IN WITNESS WHEREOF, I have hereunto
20		Unfair Practices"			20	set my hand this 10th day of August, 2023.
21		dated August 5, 2021			21	REBECCA SCHAUMLOFFEL
22					22	NB2001. 00.11.01.201.1.22
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						ERRATA SHEET FOR THE TRANSCRIPT OF:
2	Exhibit 1006	Document titled	154		2	Case Name: In Re: US, et al. V. Google LLC
3	Exhibit 1006	"Publishers Have a	154		2	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023
3	Exhibit 1006	"Publishers Have a Window of Opportunity	154		2 3 4	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy
3 4 5	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and	154		2 3 4 5	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS:
3 4 5 6	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated	154		2 3 4 5	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and	154		2 3 4 5 6	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated	154		2 3 4 5 6 7 8	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated	154		2 3 4 5 6 7 8	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8 9	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated	154		2 3 4 5 6 7 8 9	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8 9	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated January 26, 2021	154		2 3 4 5 6 7 8 9 10	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8 9 10 11	Exhibit 1006	"Publishers Have a Window of Opportunity to Change Google and Facebook" dated	154		2 3 4 5 6 7 8 9 10 11	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
3 4 5 6 7 8 9 10 11 12		"Publishers Have a Window of Opportunity to Change Google and Facebook" dated January 26, 2021			2 3 4 5 6 7 8 9 10 11 12 13	Case Name: In Re: US, et al. V. Google LLC Dep. Date: August 9, 2023 Deponent: Michael Shaugnessy CORRECTIONS: Pg. Ln. Now Reads Should Read Reason
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